

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Ms. Bonnie S. Giuliani
28803 Skyglade Place
Wesley Chapel, Fl 33543

SCDOI File Number 2003-119836

**Consent Order
Imposing Administrative Penalty
and Allowing Licensure**

This matter comes before me pursuant to an agreement entered into, between the State of South Carolina Department of Insurance and Bonnie S. Giuliani, an applicant for a South Carolina non-resident insurance agent license.

On September 30, 2003, Bonnie Giuliani applied for a non-resident insurance adjuster's license in South Carolina. On October 3, 2003, our Department notified Ms. Giuliani of its decision to deny her application, based upon the same administrative sanction that originated this Department's decision to Revoke her license in November 7, 1999. Ms. Giuliani subsequently appealed.

Our Department had revoked Bonnie Giuliani's license for failing to inform us of her change of address. However, the parties have agreed that, rather than to proceed toward a formal public hearing, they would submit the entire matter to me, along with their specific recommendations, so that I could form my summary decision based solely on the record. The mutual recommendation was that the Department would allow Ms. Giuliani to be licensed as a non-resident insurance adjuster upon the submission of an administrative fine in the total amount of \$300.

Section 38-47-15 of the South Carolina Code mandates that when an individual applies for an adjuster's license he or she shall supply the Department his business and residence addresses. The adjuster shall notify the Department within thirty days of any change in these addresses. Similarly, § 38-47-70 allows the Director of Insurance to suspend or revoke immediately a license when the it has been determined after an investigation that there has been a violation of this title by an adjuster, upon ten days notice. In the alternative, Code section 38-43-130 allows the Director to impose a financial penalty in lieu of revocation or suspension of a license. Therefore, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2002), and after carefully considering the recommendation of the parties, I hereby conclude that the appropriate sanction against Ms. Giuliani is an administrative penalty in the total amount of \$300.

The parties have reached this agreement through negotiation and compromise and in consideration of the nature of the charges at issue. It is further agreed by the parties that the total amount of the administrative penalty must, pursuant to the provisions of S.C. Code Ann. § 38-43-130 (Supp. 2002), be paid within fifteen (15) days from the date of my signature upon this consent order. If that total penalty amount is not properly paid on or before that date, Ms. Giuliani's

nonresident adjuster's license will be permanently revoked without further administrative proceedings. The parties expressly agree and understand Ms. Giuliani's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order Bonnie S. Giuliani acknowledges that she understands this consent order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002).

Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2002).

It is, therefore, ordered that, within fifteen days from my date and signature upon this consent order, Bonnie S. Giuliani shall pay through the Department an administrative penalty in the total amount of \$300.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for its distribution to its member states and a copy be placed in Ms. Giuliani's licensing file.

This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a stylized flourish at the end.

Ernst N. Csiszar
Director of Insurance

November 13, 2003, at
Columbia, South Carolina

I CONSENT TO THE ABOVE:

A handwritten signature in cursive script, appearing to read "Bonnie S. Giuliani", written over a horizontal line.

Bonnie S. Giuliani
28803 Skyglade Place
Wesley Chapel, FL 33543

Dated this 11 day of November 2003